IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5373 of 2007()

CRIME NO.574/07 OF PERINTALMANNA POLICE STATION.

PETITIONERS/ACCUSED NOS. 2 AND 3

1. JOSEPH, AGED 62 YEARS,
MUTTATH HOUSE, PARIYAPURAM, ANGADIPURAM P.O.,
PERINTHALMANNA TALUK, MALAPPURAM DIST.

2. ANNEY, W/O.JOSEPH, AGED 55 YEARS,
MUTTATH HOUSE, PARIYAPURAM, ANGADIPURAM P.O.,
PERINTHALMANNA TALUK, MALAPPURAM DIST.

BY ADV. SRI.DEVIDAS.U.K

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY SUB INSPECTOR
OF POLICE, PERINTHALMANNA THROUGH PUBLIC
PROSECUTOR AT HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5373 of 2007

Dated this the 7th day of September 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 2 and 3. They are the parents of the first accused. The crux of the allegations is that the accused persons defrauded and deceived the victims on the false promise that work permits shall be made available to the victims who sought employment abroad. The work permits were not issued. Amounts were received; but not repaid. The victims realised that the accused persons were involved in an attempt to deceive and defraud the victims. Crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C.

2. The learned counsel for the petitioner submits that the petitioners are absolutely innocent. The allegation, if any, is only against the first accused. They have been arrayed unnecessarily as accused in an attempt to vex and harass them so that the first accused can be compelled to agree to the terms of the de facto complainant and settle the disputes. The

petitioners, aged parents of the first accused, do not deserve to stand the trauma of arrest and detention, submits the learned counsel for the petitioners.

3. The application is not opposed by the learned Public Prosecutor. Having considered all the relevant inputs, I am persuaded to agree that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 14/09/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 15/09/2007 and 16/09/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period

of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 14/09/2007, they shall be released from custody on their executing bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14/09/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007